REMARKS

In response to the non-final office action of November 7, 2005, applicants asks that all claims be allowed in view of the amendment to the claims and the following remarks.

Claims 1, 26, 51 and 54-82 are now pending, of which claims 1, 26 and 51 are independent. Claims 1, 26 and 51 have been amended. Support for the amended claims may be found in the application at, for example, FIG. 1. No new matter has been introduced.

The abstract has been amended in response to the objection. The amendment is believed to be in compliance with MPEP § 608.01(b). Applicant notes that the abstract includes 93 words and meets the recommended range length of 50 to 150 words in MPEP § 608.01(b).

Each of independent claims 1, 26 and 51 is directed to a process (or an associated device) in which an individual is identified by using a portable communication device by inputting biological information of the user into the portable communication device and checking this biological information with reference biological information previously stored in the portable communication device. The portable communication device is connected to the Internet after the inputted biological information and the stored biological information have matched. Then information that the inputted biological information of the user and the reference biological information have matched is transmitted to a server or a connection from the portable communication device. Accordingly, data need not be exchanged between the user and the server (or the connection) for purposes of identifying an individual, and, as a result, costs associated with communication with the server (or the connection) can be reduced, and any need to repeat the identification process from the beginning in the event of a communication error can be avoided.

Claims 1, 26, 51, 54-60 and 62-82 have been rejected as being anticipated by Li, U.S. Patent No. 6,219,793. Applicant requests reconsideration and withdrawal of this rejection because Li does not describe or suggest a portable communication device that is connected to the Internet after the read biological information and the stored biological information have matched, as recited in each of the amended independent claims 1, 26 and 51.

Rather, Li describes a system and method for identifying an individual using biological information of the client provided by a fingerprint capturing device 101 that is connected to a

mobile telephone 102. More particularly, Li discloses using a fingerprint capturing device ("FCPD") 101 to identify an individual using a portable communication device, where the fingerprint capturing device preferably is incorporated within a mobile telephone 102. See Li at col. 6, lines 54-66. The fingerprint capturing device captures a user's fingerprint information and generates a token based on the captured fingerprint information. See Li at col. 7, lines 40-46. Li's fingerprint capturing device also receives a fingerprint-based token from a central authentication system (CAS) 106 for comparison with the generated token as part of the identification process. See Li at col. 7, lines 52-55.

Notably, in Li's system, the mobile telephone 102 wirelessly communicates with the mobile switching center (MSC) 103 of the wireless carrier 104, which, in turn, communicates with the central authentication system (CAS) 106 over the PSTN or the Internet 105. See Li at FIG. 1 and col. 7, lines 6-23. Hence, Li's mobile telephone 102 communicates through the Internet 105 with the central authentication system (CAS) 106 to receive the fingerprint-based token from a central authentication system (CAS) 106 for comparison with the generated token as part of the identification process. Hence, Li's mobile telephone 102 has received information from the central authentication system (CAS) 106 over the Internet 105 before comparing the fingerprint information. As such, Li does not describe or suggest that the portable communication device is connected to the Internet after the read biological information and the stored biological information have matched, as recited in amended independent claims 1, 26 and 51.

Moreover, Li presents a flowchart in FIGS. 3A-3B that shows information being exchanged between the wireless telephone 102 and the central authentication system (CAS) 106 over the PSTN or Internet 105 before fingerprint information is compared. More particularly, Li's flowchart in FIGS. 3A-3B begins with a user dialing a telephone number using the wireless telephone 102 (step 300) and includes sending information to the central authentication system (CAS) 106 from the mobile switching center (MSC) 103 using the PSTN or Internet 105 (step 304). See Li at FIG. 3A and col. 10, lines 33-35 and lines 44-46. See also Li at col. 7, lines 19-23 (indicating "a public switched telephone network (PSTN) or Internet 105"). Importantly, the steps in which central authentication system (CAS) 106 generates and sends a token to the fingerprint capturing device 101 (i.e., steps 306 and 307) occur after the step in which the

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wireless telephone has provided information to the central authentication system (CAS) 106 using the Internet 105 (i.e., step 304). See Li at FIG. 3A and col. 10, lines 47-56. In addition, the step in which the fingerprint capturing device 101 requires the wireless telephone user to input a fingerprint locally and generates a token based on the captured fingerprint information in step 308, which also occurs after the wireless telephone has provided information to the central authentication system (CAS) 106 using the Internet 105 in step 304. See Li at FIG. 3A and col. 10, lines 57-65. Moreover, the fingerprint capturing device 101 compares the tokens to determine whether the tokens match in step 309, which also occurs after the wireless telephone has provided information to the central authentication system (CAS) 106 using the Internet 105 in steps 309-314. See Li at FIG. 3A and col. 11, lines 19-54. Hence, Li discloses that the wireless telephone 102 and the central authentication system (CAS) 106 communicate over the PSTN or Internet 105 before fingerprint information is compared.

Accordingly, Li does not describe or suggest connecting the portable communication device to the Internet after the read biological information and the stored biological information have matched, as recited in claims 26 and 51. Nor does Li describe or suggest having the portable communication device connected to the Internet after the read biological information and the stored biological information have matched, as recited in claim 1.

For at least these reasons, applicant requests reconsideration and withdrawal of the rejection of claims 1, 26 and 51 along with their dependent claims 54-60 and 62-84.

Claim 61 has been rejected as being unpatentable over Li in view of Osborn, U.S. Patent No. 6,026,293. Applicant requests reconsideration and withdrawal of the rejection of claim 61 because Osborn does not remedy the failure of Li to describe or suggest the subject matter of independent claim 1, from which claim 61 depends.

Osborn discloses using cryptographic techniques to prevent tampering with memory in an electronic device. See Osborn at Abstract. Osborn does not disclose storing reference biological information, nor does the Office action contend that Osborn does so. See Office action of May 5, 2005 at page 7, lines 11-17 (stating "Osborn teaches that in cellular telephones, programs are stored in flash memory").

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Accordingly, for at least the reasons noted above with respect to the anticipation rejection of independent claim 1, applicant requests reconsideration and withdrawal of the rejection of claim 61.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

No fee is believed due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 6, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Shunpei Yamazaki et al.	Art Unit :	2131
Serial No.	: 09/842,219	Examiner :	Matthew T. Henning
Filed	: April 26, 2001	Confirmation No.:	5375
Title	: A SYSTEM FOR IDENTIFYING AN INDIVIDUAL, A METHOD FOR IDENTIFYING AN INDIVIDUAL OR A BUSINESS METHOD		

Commissioner for Patents
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APPENDIX

➢ Replacement Sheet For New Abstract (1 page)

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ABSTRACT OF THE DISCLOSURE

An individual may be identified by using a portable communication device. Biological information of the user is input into the communication device. The inputted biological information of the user is checked with reference biological information previously stored in the portable communication device. The portable communication device is connected to the Internet

5   after the inputted biological information of the user and the reference biological information have matched. Then information that the inputted biological information of the user and the reference biological information have matched is transmitted to a server from the portable communication device.